

From: Jonathan Mayer
To: Microsoft ATR
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Subject: Microsoft Settlement

To: Renata B. Hesse
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Under the Tunny Act, I would like to comment on the proposed Microsoft settlement.

I am very disappointed in what I perceive as the DOJ losing its nerve and snatching defeat from the jaws of certain victory in the Microsoft anti-trust battle.

When I was young, brilliant software engineers were able to create new products and turn these innovative products into billion dollar industries. Borland, Autodesk, Lotus, and Oracle are only a few examples -- a list of examples that should have included Netscape. Their example inspired me to follow in their footsteps into what looked to be a bright new dawn.

Today, instead of a vital, innovative, freely competing software economy, we have a captured "economy in a bottle." We have an economy in a bottle, where the ants inside struggle with each other for survival, while Microsoft securely tightens the lid.

Software engineers are still free to invent brilliant ideas and start companies, but we live at Microsoft's leisure. At best, a successful software company will be acquired and integrated into Microsoft. At worst, the penalty for success is to be imitated and undermined by a company with gross competitive advantage: a stranglehold on the tools and standards that are the gateways of our industry.

Microsoft is running the game, setting the rewards of the game, and is guaranteeing that no company will ever grow to the point that allows them to upset the software hierarchy that Microsoft dominates. They have repeatedly demonstrated their ability and willingness to abuse their market control to put down competitors that grow too "uppity."

If the legal remedy against Microsoft's monopolistic dominance of the software industry fails (as it is about to do), there will never be a second chance. The software industry, which could have been America's most vital and powerful industry, will wither and spoil. The power of information technology to revolutionize productivity, communication,

and quality of life on earth cannot be underrated. Leaving that power in the hands of a demonstrably abusive monopolist is a betrayal of the law, a betrayal of the capitalist system, and a betrayal of our future.

The proposed settlement agreement fails in every way to remedy this problem. Microsoft can not be tamed or trained to behave itself-- it must be unseated from the reigns of power.

Thanks for listening. Sincerely,
Jonathan Mayer <jmayer@guck.net>
Mountain View, CA.